

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stacy Frigerio	Team: Team # 2	CCRB Case #: 201009168	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 07/06/2010 5:30 PM	Location of Incident: In the back of § 87(2)(b)	Precinct: 75	18 Mo. SOL 1/6/2012	EO SOL 1/6/2012	
Date/Time CV Reported Tue, 07/06/2010 10:25 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 07/06/2010 10:25 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Mark Xylas	11251	948160	075 PCT
2. An officer			

Officer(s)	Allegation	Investigator Recommendation
A.POM Mark Xylas	Abuse: PO Mark Xylas stopped § 87(2)(b) and § 87(2)(b)	
B. An officer	Abuse: An officer stopped § 87(2)(b)	
C.POM Mark Xylas	Discourtesy: PO Mark Xylas spoke obscenely to § 87(2)(b)	
D.POM Mark Xylas	Abuse: PO Mark Xylas threatened to arrest § 87(2)(b)	

### Case Summary

On July 6, 2010, § 87(2)(b) filed this complaint via the CCRB's call processing system. When § 87(2)(b) initially filed this complaint, he stated that on July 6, 2010, at approximately 5:30 p.m. he was stopped by PO Mark Xylas and an unidentified female officer, who were on foot and in uniform, while he was walking down the street in the vicinity of § 87(2)(b) in Brooklyn (**Allegation A**). However, during his telephone statement on July 26, 2010, § 87(2)(b) stated he and his female friend, § 87(2)(b) were approached by two uniformed officers, PO Xylas and PO2, a black female, while sitting in the back of § 87(2)(b) (**Allegation B**). PO Xylas asked him and § 87(2)(b) for their identifications. § 87(2)(b) asked what he needed ID for and PO Xylas stated "I can do what the fuck I wanna do" (**Allegation C**). PO Xylas stated that he could lock § 87(2)(b) up for disorderly conduct (**Allegation D**). § 87(2)(b) and § 87(2)(b) provided their IDs to PO Xylas and PO Xylas handed it to PO2. PO2 called to check if they had warrants. The IDs were handed back and the officers left. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

On July 8, 2010, § 87(2)(b) was called and an automated recording indicating that the number dialed was not in service was received. On July 15, 2010, § 87(2)(b) was called. § 87(2)(b) mother answered and stated he was not home, so a message was left for him. On the same date, a first contact letter was mailed to him. On July 22, 2010, § 87(2)(b) was called. The phone rang several times, but there was no answer and no answering machine connected. On July 26, 2010, § 87(2)(b) was called and he provided a telephone statement during which he stated that he was with § 87(2)(b) during the incident. He stated that § 87(2)(b) lives in Virginia and he would provide her contact information at a later date. As such, § 87(2)(b) could not be contacted. He also stated that he would call back to schedule a CCRB appointment. On July 28, 2010, § 87(2)(b) was called. The female who answered stated that § 87(2)(b) was not home and that she would give him the message. On August 6, 2010, a final contact letter was mailed to him. Neither letter was returned to the CCRB by USPS. On August 12, 2010, a NYC Department of Correction search yielded three individuals named § 87(2)(b) two of them were released in July 2010, however, it cannot be determined if one of these individuals was § 87(2)(b) because he did not provide a date of birth. It also yielded negative results for § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Team: 2

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Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date